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September 19, 2017

Hon. Karen M. Williams, J.S.C.  
U.S. Magistrate Judge  
Mitchell H. Cohen U.S. Courthouse  
Room 2040  
1 John F. Gerry Plaza  
4<sup>th</sup> & Cooper Streets  
Camden, NJ 08101

RE: Harden, Kenneth v. City of Millville, et als.  
U.S. Dist. Ct. Civil No. 1:17-cv-05127-NLH-KMW

Dear Judge Williams:

On behalf of Defendants City of Millville and Police Chief Jody Farabella, represented by this office in the above matter, please accept in lieu of a more formal application this letter seeking to join in the pending motion to stay discovery in the civil litigation, pending resolution of the criminal case, filed by co-defendant Millville Police Officer Jeffery Proffit.

We join in the arguments made by Mr. Madden on defendant Proffit's behalf, that there would be no prejudice to plaintiff, no adverse public interests, particularly in view of the economies of resources of the court and parties, served by granting of the stay application. In addition to exposing co-defendant Proffit to the untenable position of jeopardizing his constitutional defenses in the criminal action, a denial of the stay would serve no purposes, in the interests of justice, in advancing the ultimate resolution of this civil litigation, based on the allegations of the complaint in which it appears plaintiff Harden and

September 19, 2017  
Page 2

Officer Proffit are the only eyewitnesses to the interactions that are the subject of plaintiff Harden's claims that his rights were violated.

Furthermore, the sole allegations against the City of Millville and Chief Farabella, for supervisory liability under the principles of the US Supreme Court decision in Monell, would indeed be moot if plaintiff Harden is unable to prove that Officer Proffit violated Harden's rights at the time of the arrest in question.

Accordingly, we respectfully request that the court grant the application to stay the civil litigation discovery, as to all parties, pending resolution of the criminal action against Proffit.

Thank you for your Honor's consideration.

Respectfully Submitted,

  
THOMAS B. REYNOLDS

TBR:aag

Cc: Conrad Bennedetto, Esq. (Via ECF)  
Melissa Y. Hoffman, Esq. (Via ECF)  
Patirck J. Madden, Esq. (Via ECF)  
Motions Clerk, US District Court